

1 Stephen K. Brunk, Esq. (Bar No. 53238)  
 2 LAW OFFICES OF STEPHEN K. BRUNK  
 2 6098 La Jolla Mesa  
 3 La Jolla, California 92037  
 3 Telephone: (619) 234-3300  
 4 Fax: (619) 234-3331

5 Attorney for defendant AVCO Corporation

6

7

8 UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 ANNE CROWE, Individually, and as Successor- )  
 11 in-Interest to JOSEPH CROWE, Deceased; and )  
 11 ANNE CROWE, JULIE SHIELDS, JOSEPH )  
 12 CROWE, III, and SEAN CROWE, as Legal Heirs )  
 12 of JOSEPH CROWE, Decased,

13 Plaintiffs,

14 vs.

15 ASBESTOS DEFENDANTS (BP) As Reflected )  
 16 on Exhibits B, C, H, and I; and DOES 1-8500.

17 Defendants,

18

JCS  
10 CASE NO.

4 3929  
NOTICE OF REMOVAL OF ACTION  
UNDER 28 U.S.C. § 1442 (a)(1)  
[Federal Officer Removal Jurisdiction]

19 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

20 PLEASE TAKE NOTICE that defendant AVCO Corporation, served herein as Doe 5,  
 21 hereby removes to this Court the state court action described below.

22 1. On a date believed to be on or about October 29, 2002, an action was commenced  
 23 in the Superior Court of the State of California, County of San Francisco, entitled Joseph  
 24 Crowe, Jr. and Anne Crowe v. Asbestos Defendants (BHC), case no. 414146 (the "original  
 25 complaint"). A First Amended Complaint (the "amended complaint") in said action was filed on  
 26 or about July 2, 2003. In accordance with 28 U.S.C. § 1446 (a), copies of all the pleadings  
 27 and papers served upon defendant AVCO Corporation ("AVCO") are attached as Exhibit A.

28 2. Defendant AVCO was served in that case with the amended complaint on August

1 18, 2004 as Doe 5 through its registered agent for service of process in California. Copies of  
2 the served summons and transmittal to defendant AVCO are attached as Exhibit B. This Notice  
3 of Removal is therefore timely under 28 U.S.C. § 1446(b). Murphy Brothers, Inc. v. Michetti  
4 Pipe Stringing, Inc., 526 U.S. 344 (1999).

5 **INTRADISTRICT ASSIGNMENT**

6 3. Venue of this removed action is proper pursuant to 28 U.S.C. § 1442 (a) because  
7 this Court is the United States District Court for the district and division embracing the place  
8 wherein the removed action was pending.

9 **UNDERLYING FACTS**

10 4. The original complaint was served on defendant Textron, Inc. ("Textron"), and its  
11 named alternate entity "Textron Lycoming," on December 10, 2002 and was removed to this  
12 Court, under 28 U.S.C. § 1442 (a)(1), by Textron on December 27, 2002 and assigned case  
13 no. C02-5950 PJH. Defendant AVCO is a wholly owned subsidiary of Textron. By stipulation  
14 of plaintiffs' counsel and Textron's counsel, defendant Textron and alternate entities Lycoming  
15 Turbine Engine and Textron Lycoming Turbine Engine were dismissed by plaintiffs Joseph  
16 Crowe and current plaintiff Anne Crowe with prejudice, and the matter was remanded to the  
17 California Superior Court.

18 5. The amended complaint is an action for survival, loss of consortium, and wrongful  
19 death arising out of the the alleged exposure of Joseph Crowe ("Mr. Crowe") to asbestos over  
20 his 62 year lifetime. Exhibit A to the amended complaint details the circumstances of Mr.  
21 Crowe's alleged exposure to asbestos. The only products manufactured by defendant AVCO  
22 to which Mr. Crowe could have been exposed during his work history outlined in Exhibit A to  
23 the amended complaint were aircraft engines supplied by Lycoming, a division of AVCO, to the  
24 United States Air Force and United States Coast Guard while Mr. Crowe was a military  
25 helicopter pilot. All of those Lycoming aircraft engines were manufactured and delivered to  
26 the United States, under the control and direction of Federal officers, pursuant to contracts and  
27 specifications mandated by the United States.

28 / / /

## JURISDICTION

6. The federal officer removal statute, 28 U.S.C. § 1442 (a)(1), provides a basis for removal jurisdiction over this civil action because at all times and for all events relevant, defendant AVCO was an entity acting under an officer of the United States under color of such office. See, Winters v. Diamond Shamrock Chemical Co., 149 F.3d 387 (5th Cir. 1998), cert. denied, 526 U.S. 1034 (1999); Magnin v. Teledyne Continental Motors, 91 F.3d 1424 (11th Cir. 1996); Lopez v. Three Rivers Elec. Co-op, 166 F.R.D. 411, 412 (E.D. Mo. 1996); Jones v. Three Rivers Elec. Co-op, 166 F.R.D. 413, 414 (E.D. Mo. 1996). Furthermore, § 1442(a) authorizes such a removal without the consent of any other defendant. See, Ely Valley Mines, Inc. v. Hartford Accident & Indem. Co., 64 F.2d 1310, 1315 (9th Cir. 1981) ("federal officer...can remove without other defendants joining in the petition, and the entire case is removed to the federal court.")

## **GROUND FOR REMOVAL**

14       7. During all times mentioned by plaintiffs in their complaint when Mr. Crowe was  
15 allegedly exposed to asbestos while serving in the military as a helicopter pilot, the only  
16 products designed and manufactured by AVCO to which Mr. Crowe could have been exposed  
17 were products manufactured and delivered under contract with the United States government  
18 and pursuant to precise military specifications over which the United States, and its  
19 officer/employees, had control. Those specifications called out every design detail and  
20 controlled the design and manufacture of those military products. Consequently, AVCO was  
21 "acting under" an officer of the United States when it designed and manufactured the military  
22 aircraft engines in question. Those actions of defendant AVCO, then, are inseparable from the  
23 pervasive government specifications, regulations, and oversight, and a clear nexus exists  
24 between AVCO's actions at the direction of the government and plaintiffs' claims for relief in  
25 the removed action.

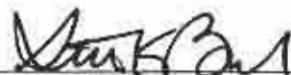
26 8. AVCO's answer, being filed separately and contemporaneously with the Notice of  
27 Removal, sets out, as its Second Affirmative Defense, the "government contractor defense,"  
28 articulated by the United States Supreme Court in Boyle v. United Technologies, Inc., 487 U.S.

1 500 (1988) and the cases that have followed it, including Kerstetter v. Pacific Scientific Co.,  
2 210 F.3d 431 (5th Cir. 2000), Tate v. Boeing Helicopters, 140 F.3d 654 (6th Cir. 1998), Tate  
3 v. Boeing Helicopters, 55 F.3d 1150 (6th Cir. 1995), Harduvvel v. General Dynamics Corp., 878  
4 F.2d 1311 (11th Cir. 1989), and Ramey v. Martin Baker Aircraft Co., 874 F.2d 946 (4th Cir.  
5 1989). That defense is based upon the fact that it was the United States that controlled and  
6 approved the design of the military products at issue. Defendant AVCO, then, has a "colorable"  
7 defense under Federal law related its claim of immunity to civil prosecution for actions that it  
8 was directed to take by Officers of the United States.

9 **NOTICE GIVEN**

10 9. Pursuant to 28 U.S.C. § 1446(d), defendant AVCO is serving this Notice of  
11 Removal on counsel for the plaintiffs in the amended complaint and Designated Defense  
12 Counsel in the state court action and is filing a copy of this Notice with the Clerk of the  
13 Superior Court for the County of San Francisco.

14  
15 Dated: 9/16/04



16 Stephen K. Brunk, attorney for  
17 defendant AVCO Corporation

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

EXHIBIT A

1 DAVID R. DONADIO, ESQ., S.B. #154436  
2 BRAYTON PURCELL  
3 Attorneys at Law  
4 222 Rush Landing Road  
5 P.O. Box 6169  
Novato, California 94948-6169  
(415) 898-1555  
5 Attorneys for Plaintiffs

§ | Attorneys for Plaintiffs

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO

11 ANNE CROWE, Individually, and as  
12 Successor-in-Interest to JOSEPH CROWE,  
13 Deceased; and ANNE CROWE, JULIE  
SHIELDS, JOSEPH CROWE, III, and  
SEAN CROWE, as Legal Heirs of  
JOSEPH CROWE, Deceased.

No. 414146

**AMENDMENT TO COMPLAINT**

[C.C.P. Section 474]

Plaintiffs,  
vs.  
ASBESTOS DEFENDANTS (BHC)

i8 Plaintiffs amend the complaint in this action as follows:

19 Plaintiffs have learned the true names of the defendants designated in the complaint as  
20 fictitious DOES as set forth below:

21 | TRUE NAME

FICTITIOUS NAME

22 | ROLLS-ROYCE, PLC

DOE 3

### ALTERNATE ENTITIES:

ALLISON ENGINE COMPANY, INC.

KAMAN INDUSTRIAL TECHNOLOGIES CORPORATION

DOE 4

#### IS EVEN ENDOSYRCHIC ALTERNATE ENTITIES?

KAMAN BEARING AND SUPPLY CORP. CALIFORNIA  
KAMAN AIRCRAFT BEARING CORPORATION  
WINN SUPPLY COMPANY

8 / 11

1 AVCO CORPORATION DOE 5  
2  
3 CURTISS-WRIGHT CORPORATION DOE 6  
4 ALTERNATE ENTITIES:  
5 WRIGHT AERONAUTICAL  
WRIGHT AERO  
CURTIS AIRCRAFT  
6  
7 RAYTHEON COMPANY DOE 7  
8 ALTERNATE ENTITIES:  
HUGHES AIRCRAFT COMPANY  
RAYTHEON SYSTEMS - SOUTH CAROLINA  
HUGHES AIRCRAFT - SOUTH CAROLINA  
BEECH AIRCRAFT CORPORATION  
KENLES ENGINEERS AND CONSTRUCTORS, INC.  
WOLDER ENGINEERS AND CONSTRUCTORS, INC.  
WOLDER ENGINEERING CORPORATION  
JACOBS ENGINEERING  
ESICORP, INC.  
ENSERCH CORPORATION  
EBASCO SERVICES INCORPORATED E & L ASSOCIATES  
EHRHART & LESTER ASSOCIATES  
14  
15 BOEING COMPANY, THE DOE 8  
ALTERNATE ENTITIES:  
BOEING NORTH AMERICAN, INC.  
McDONNELL DOUGLAS CORPORATION  
DOUGLAS AIRCRAFT CO.  
COLLINS RADIO COMPANY  
ROCKWELL INTERNATIONAL CORPORATION  
ROCKWELL INTERNATIONAL CORPORATION,  
MEASUREMENT AND FLOW CONTROL DIVISION  
AUTONETICS, INC.  
ROCKETDYNE  
ROCKWELL MANUFACTURING COMPANY  
ROCKWELL-STANDARD, INC.  
ROCKWELL SPRING & AXLE CO.  
ROCKWELL SPRING & AXLE CO.,  
TIMKEN-DETROIT AXEL DIVISION  
NORTH AMERICAN ROCKWELL  
NORTH AMERICAN AVIATION, INC.  
NAVION  
VERTOL CORPORATION  
BOEING VERTOL COMPANY  
BOEING AIRPLANE COMPANY  
26  
CONTINENTAL DOE 9  
27  
28 //

1 FRANKLIN ENGINES  
2

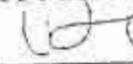
DOE 10

3 Plaintiffs hereby substitute such true names for the fictitious names as set forth above  
4 wherever said names appear in the complaint.

5 Dated: 7/17/04

6 BRAYTON PURCELL

7 By:

8   
9 David R. Donadio  
10 Attorneys for Plaintiffs

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DO NOT FILE WITH THE COURT

—UNLESS YOU ARE APPLYING FOR A DEFAULT JUDGMENT UNDER CODE OF CIVIL PROCEDURE § 585—

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) David R. Donadio, Esq., S.B. #154436 BRAYTON & PURCELL 222 Rush Landing Road, P.O. Box 6169 Novato, California 94948-6169		TELEPHONE NO. (415) 898-1555 FAX NO. (415) 898-1247	FOR COURT USE ONLY
ATTORNEY FOR (name) Plaintiffs			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO STREET ADDRESS: 400 McAllister Street			
MAILING ADDRESS:			
CITY AND ZIP CODE San Francisco, CA 94102			
BRANCH NAME			
PLAINTIFF: ANNE CROWE, et al.			
DEFENDANT: ASBESTOS DEFENDANTS (B&P)			
STATEMENT OF DAMAGES (Personal Injury or Wrongful Death)		CASE NUMBER 414146	

To (name of one defendant only): AVCO CORPORATION

Plaintiff (name of one plaintiff only): ANNE CROWE

seeks damages in the above-entitled action, as follows:

## 1. General damages

	AMOUNT
a. <input type="checkbox"/> Pain, suffering, and inconvenience	\$ _____
b. <input type="checkbox"/> Emotional distress	\$ _____
c. <input checked="" type="checkbox"/> Loss of consortium	\$ 500,000.00
d. <input type="checkbox"/> Loss of society and companionship (wrongful death actions only)	\$ _____
e. <input type="checkbox"/> Other (specify) _____	\$ _____
f. <input type="checkbox"/> Other (specify) _____	\$ _____
g. <input type="checkbox"/> Continued on Attachment 1.g	

## 2. Special damages

a. <input type="checkbox"/> Medical expenses (to date)	\$ _____
b. <input type="checkbox"/> Future medical expenses (present value)	\$ _____
c. <input type="checkbox"/> Loss of earnings (to date)	\$ _____
d. <input type="checkbox"/> Loss of future earning capacity (present value)	\$ _____
e. <input type="checkbox"/> Property damage	\$ _____
f. <input type="checkbox"/> Funeral expenses (wrongful death actions only)	\$ _____
g. <input type="checkbox"/> Future contributions (present value) (wrongful death actions only)	\$ _____
h. <input type="checkbox"/> Value of personal service, advice, or training (wrongful death actions only)	\$ _____
i. <input type="checkbox"/> Other (specify) _____	\$ _____
j. <input type="checkbox"/> Other (specify) _____	\$ _____
k. <input type="checkbox"/> Continued on Attachment 2.k.	

3.  **Punitive damages:** Plaintiff reserves the right to seek punitive damages in the amount of (specify) \$ 5,000,000.00 when pursuing a judgment in the suit filed against you.

Date: AUG 09 2004

David R. Donadio  
(TYPE OR PRINT NAME)

/s/ David R. Donadio

(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

(Proof of service on reverse)

DO NOT FILE WITH THE COURT

—UNLESS YOU ARE APPLYING FOR A DEFAULT JUDGMENT UNDER CODE OF CIVIL PROCEDURE § 585—

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) David R. Donadio, Esq., S.B. #154436 BRAYTON & PURCELL 222 Rush Landing Road, P.O. Box 6169 Novato, California 94948-6169		TELEPHONE NO. (415) 898-1555 FAX NO. (415) 898-1247	FOR COURT USE ONLY
ATTORNEY FOR PLAINTIFFS			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO STREET ADDRESS 400 McAllister Street			
MAILING ADDRESS San Francisco, CA 94102			
CITY AND ZIP CODE			
BRANCH NAME			
PLAINTIFF: ANNE CROWE, et al. DEFENDANT: ASBESTOS DEFENDANTS (B&P)			
STATEMENT OF DAMAGES (Personal Injury or Wrongful Death)		CASE NUMBER:	414146

To (name of one defendant only): AVCO CORPORATION

Plaintiff (name of one plaintiff only): JULIE SHIELDS

seeks damages in the above-entitled action, as follows:

1. General damages

- Pain, suffering, and inconvenience \$ \_\_\_\_\_
- Emotional distress \$ \_\_\_\_\_
- Loss of consortium \$ \_\_\_\_\_
- Loss of society and companionship (wrongful death actions only) \$ 200,000.00
- Other (specify) \$ \_\_\_\_\_
- Other (specify) \$ \_\_\_\_\_
- Continued on Attachment 1.g. \$ \_\_\_\_\_

2. Special damages

- Medical expenses (to date) \$ \_\_\_\_\_
- Future medical expenses (present value) \$ \_\_\_\_\_
- Loss of earnings (to date) \$ \_\_\_\_\_
- Loss of future earning capacity (present value) \$ \_\_\_\_\_
- Property damage \$ \_\_\_\_\_
- Funeral expenses (wrongful death actions only) \$ \_\_\_\_\_
- Future contributions (present value) (wrongful death actions only) \$ 200,000.00
- Value of personal service, advice, or training (wrongful death actions only) \$ 200,000.00
- Other (specify) \$ \_\_\_\_\_
- Other (specify) \$ \_\_\_\_\_
- Continued on Attachment 2.k. \$ \_\_\_\_\_

3.  **Punitive damages:** Plaintiff reserves the right to seek punitive damages in the amount of (specify) \$ 1,000,000.00 when pursuing a judgment in the suit filed against you.

Date:

AUG 09 2004

David R. Donadio

(TYPE OR PRINT NAME)

/s/ David R. Donadio

(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

(Proof of service on reverse)

**DO NOT FILE WITH THE COURT  
—UNLESS YOU ARE APPLYING OR A DEFAULT JUDGMENT UNDER CODE OF CIVIL PROCEDURE § 585—**

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS)		TELEPHONE NO.	FOR COURT USE ONLY
David R. Donadio, Esq., S.B. #154436 BRAYTON & PURCELL 222 Rush Landing Road, P.O. Box 6169 Novato, California, 94948-6169 <small>ATTORNEY FOR (name) Plaintiffs</small>		(415) 898-1555 FAX NO.: (415) 898-1247	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO STREET ADDRESS 400 McAllister Street			
MAILING ADDRESS			
CITY AND ZIP CODE San Francisco, CA 94102			
BRANCH NAME			
PLAINTIFF: ANNE CROWE, et al. DEFENDANT: ASBESTOS DEFENDANTS (B&P)			
<b>STATEMENT OF DAMAGES</b> (Personal Injury or Wrongful Death)		CASE NUMBER: 414146	

To (name of one defendant only): AVCO CORPORATION  
 Plaintiff (name of one plaintiff only): JOSEPH CROWE, III  
 seeks damages in the above-entitled action, as follows:

		AMOUNT
<b>1. General damages</b>		
a. <input type="checkbox"/>	Pain, suffering, and inconvenience	\$ _____
b. <input type="checkbox"/>	Emotional distress	\$ _____
c. <input type="checkbox"/>	Loss of consortium	\$ _____
d. <input checked="" type="checkbox"/>	Loss of society and companionship (wrongful death actions only)	\$ 200,000.00
e. <input type="checkbox"/>	Other (specify) _____	\$ _____
f. <input type="checkbox"/>	Other (specify) _____	\$ _____
g. <input type="checkbox"/>	Continued on Attachment 1.g.	
<b>2. Special damages</b>		
a. <input type="checkbox"/>	Medical expenses (to date)	\$ _____
b. <input type="checkbox"/>	Future medical expenses (present value)	\$ _____
c. <input type="checkbox"/>	Loss of earnings (to date)	\$ _____
d. <input type="checkbox"/>	Loss of future earning capacity (present value)	\$ _____
e. <input type="checkbox"/>	Property damage	\$ _____
f. <input type="checkbox"/>	Funeral expenses (wrongful death actions only)	\$ _____
g. <input checked="" type="checkbox"/>	Future contributions (present value) (wrongful death actions only)	\$ 200,000.00
h. <input checked="" type="checkbox"/>	Value of personal service, advice, or training (wrongful death actions only)	\$ 200,000.00
i. <input type="checkbox"/>	Other (specify) _____	\$ _____
j. <input type="checkbox"/>	Other (specify) _____	\$ _____
k. <input type="checkbox"/>	Continued on Attachment 2.k.	
3. <input checked="" type="checkbox"/> <b>Punitive damages:</b>	Plaintiff reserves the right to seek punitive damages in the amount of (specify)	\$ 1,000,000.00
when pursuing a judgment in the suit filed against you.		

Date:

AUG 09 2004

David R. Donadio

(TYPE OR PRINT NAME)

/s/ David R. Donadio

(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

(Proof of service on reverse)

DO NOT FILE WITH THE COURT

—UNLESS YOU ARE APPLYING FOR A DEFAULT JUDGMENT UNDER CODE OF CIVIL PROCEDURE § 585—

<b>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address)</b> David R. Donadio, Esq., S.B. #154436 BRAYTON & PURCELL 222 Rush Landing Road, P.O. Box 6169 Novato, California 94948-6169 <b>ATTORNEY FOR (name) Plaintiffs</b>		<b>TELEPHONE NO.</b> (415) 898-1555 <b>FAX NO.</b> (415) 898-1247	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO</b> STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME:			
<b>PLAINTIFF:</b> ANNE CROWE, et al. <b>DEFENDANT:</b> ASBESTOS DEFENDANTS (B&P)		<b>CASE NUMBER</b> 414146	
<b>STATEMENT OF DAMAGES</b> (Personal Injury or Wrongful Death)			

To (name of one defendant only): AVCO CORPORATION

Plaintiff (name of one plaintiff only): SEAN CROWE

seeks damages in the above-entitled action, as follows:

**1. General damages**

	<b>AMOUNT</b>
a. <input type="checkbox"/> Pain, suffering, and inconvenience .....	\$ _____
b. <input type="checkbox"/> Emotional distress .....	\$ _____
c. <input type="checkbox"/> Loss of consortium .....	\$ _____
d. <input checked="" type="checkbox"/> Loss of society and companionship (wrongful death actions only) .....	\$ 200,000.00
e. <input type="checkbox"/> Other (specify) .....	\$ _____
f. <input type="checkbox"/> Other (specify) .....	\$ _____
g. <input type="checkbox"/> Continued on Attachment 1.g.	

**2. Special damages**

a. <input type="checkbox"/> Medical expenses (to date) .....	\$ _____
b. <input type="checkbox"/> Future medical expenses (present value) .....	\$ _____
c. <input type="checkbox"/> Loss of earnings (to date) .....	\$ _____
d. <input type="checkbox"/> Loss of future earning capacity (present value) .....	\$ _____
e. <input type="checkbox"/> Property damage .....	\$ _____
f. <input type="checkbox"/> Funeral expenses (wrongful death actions only) .....	\$ _____
g. <input checked="" type="checkbox"/> Future contributions (present value) (wrongful death actions only) .....	\$ 200,000.00
h. <input checked="" type="checkbox"/> Value of personal service, advice, or training (wrongful death actions only) .....	\$ 200,000.00
i. <input type="checkbox"/> Other (specify) .....	\$ _____
j. <input type="checkbox"/> Other (specify) .....	\$ _____
k. <input type="checkbox"/> Continued on Attachment 2.k.	

3.  **Punitive damages:** Plaintiff reserves the right to seek punitive damages in the amount of (specify) \$ 1,000,000.00 when pursuing a judgment in the suit filed against you.

Date:

AUG 09 2004

/s/ David R. Donadio

David R. Donadio

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

(Proof of service on reverse)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address)		TELEPHONE NO.:
DAVID R. DONADIO, ESQ., STATE BAR NO. 154436 BRAYTON+PURCELL 222 Bush Landing Road Novato, California 94948-6169 (names of client(s); Plaintiff(s))		(415) 898-1555
INVEST NAME OF COURT, JUDICIAL DISTRICT, AND BRANCH COURT, IF ANY: SAN FRANCISCO SUPERIOR COURT 400 McAllister Street San Francisco, CA 94102		
CASE NAME: JOSEPH CROWE, JR., and ANNE CROWE vs. ASBESTOS DEFENDANTS (BHC)		
CIVIL COVER SHEET	Complex Case Designation	CASE NUMBER:
<input type="checkbox"/> Limited <input checked="" type="checkbox"/> Unlimited	<input type="checkbox"/> Counter <input type="checkbox"/> Joiner Filed with first appearance by defendant (Cal.Rules of Court, rule 1811)	Assigned Judge: <b>414146</b>
Please complete all five (5) items below.		

1. Check one box below of the case type that best describes this case:

<input type="checkbox"/> Auto Tort	<input type="checkbox"/> Other employment (13)	<input type="checkbox"/> Way of service (22)
<input type="checkbox"/> Auto (22)	<input type="checkbox"/> Breach of contract/warranty (24)	<input type="checkbox"/> Other judicial review (35)
<input type="checkbox"/> Other PTPD/WD (Personal Injury/Property Damage)/Non-tort Death) Tort	<input type="checkbox"/> Collections (e.g., money owed, open account(s) (20))	<input type="checkbox"/> Procedurally Complex Civil Litigation (Cal.Rules of Court, rules 1800-1812)
<input checked="" type="checkbox"/> Adverse (34)	<input type="checkbox"/> Insurance coverage (18)	<input type="checkbox"/> Arbitration/Code regulation (33)
<input type="checkbox"/> Product Liability (24)	<input type="checkbox"/> Other contract (7)	<input type="checkbox"/> Construction defect (17)
<input type="checkbox"/> Medical malpractice (47)	<input type="checkbox"/> Business disputes/breach of contract (14)	<input type="checkbox"/> Capital involving mass tort (47)
<input type="checkbox"/> Other PTPD/WD (22)	<input type="checkbox"/> Wrongful eviction (37)	<input type="checkbox"/> Securities litigation (24)
<input type="checkbox"/> Non-PTPD/WD (Other) Tort	<input type="checkbox"/> Other real property (e.g., quiet title) (26)	<input type="checkbox"/> Tortious interference (20)
<input type="checkbox"/> Defamation (including libel and slander) (27)	<input type="checkbox"/> Unfair business practices (1)	<input type="checkbox"/> Insurance coverage dispute arising from the above listed previously complex case type (4)
<input type="checkbox"/> CIVIL DEPS (e.g., declaratory, injunctive, specific performance) (24)	<input type="checkbox"/> Other real property (e.g., quiet title) (26)	<input type="checkbox"/> Enforcement of judgment
<input type="checkbox"/> Defalcation (e.g., embezzlement; larceny) (13)	<input type="checkbox"/> Commercial (31)	<input type="checkbox"/> Enforcement of judgment (e.g., after final judgment, non-judgmental) (22)
<input type="checkbox"/> Fraud (14)	<input type="checkbox"/> Residential (33)	<input type="checkbox"/> Miscellaneous Civil Complaint
<input type="checkbox"/> Intellectual property (17)	<input type="checkbox"/> Drugs (34)	<input type="checkbox"/> LLC (27)
<input type="checkbox"/> Professional negligence (e.g., legal malpractice) (25)	<input type="checkbox"/> Medical Malpractice	<input type="checkbox"/> Other complaint (not specified above) (42)
<input type="checkbox"/> Other non-PTPD/WD tort (35)	<input type="checkbox"/> Asset forfeiture (35)	<input type="checkbox"/> Miscellaneous Civil Petition
Employment	<input type="checkbox"/> Products or arbitrable award (11)	<input type="checkbox"/> Partnership and corporate governance (21)
<input type="checkbox"/> Workplace harassment (24)		<input type="checkbox"/> Other petition (not specified above) (43)

2. This case  is  not complex under rule 1800 of the California Rules of Court. If case is complex, mark the factors requiring exceptional judicial management:

- Large number of separately represented parties
- Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
- Substantial amount of documentary evidence
- Large number of witnesses
- Coordination and related actions pending in one or more courts in other countries, states or territories, or in a federal court
- Substantial post-disposition judicial disposition

3. Type of remedies sought (check all that apply):

- Monetary
- Nonmonetary; declaratory or injunctive relief
- Positive

4. Number of named plaintiffs (specify): 7

5. This case  is  not a class action suit.

Dear: (1) 28/52  
David R. Donadio

(TYPE OR PRINT NAME)

NOTICE

Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate, Family, or Welfare and Institutions Code). (Cal.Rules of Court, rule 911.2.)

File this cover sheet in addition to any cover sheet required by local court rule.

If this case is complex under rule 1800 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.

Unless this is a complex case, this cover sheet shall be used for statistical purposes only.

This Assumption of Responsibility Letter  
Involves Certain Legal Risks  
REDACTED Date: January 1, 2004

## CIVIL CASE COVER SHEET

California of Court, rule 911.2, 1800-1812  
Statistical Information Management, 217

A-8

1 DAVID R. DONADIO, ESQ., S.B. #154436  
 2 BRAYTON PURCELL  
 3 Attorneys at Law  
 4 222 Rush Landing Road  
 5 P.O. Box 6169  
 Novato CA 94948-6169  
 (415) 898-1555  
 6  
 7  
 8 Attorneys for Plaintiffs

ENDORSED  
 FILED  
 San Francisco County Superior Court

JUL 2 - 2003

GORDON J. CLARK  
 BY: GRISWOLD, CLARK

8 SUPERIOR COURT OF CALIFORNIA  
 9 COUNTY OF SAN FRANCISCO

10 ANNE CROWE, Individually, and as  
 Successor-in-Interest to JOSEPH CROWE,  
 Deceased; and ANNE CROWE, JULIE  
 SHIELDS, JOSEPH CROWE, III, and  
 SEAN CROWE, as Legal Heirs of  
 JOSEPH CROWE, Deceased,

No. 414146

11 Plaintiffs,

FIRST AMENDED COMPLAINT FOR  
 SURVIVAL, LOSS OF CONSORTIUM,  
 WRONGFUL DEATH - ASBESTOS

12 vs.

13 ASBESTOS DEFENDANTS (B&P)  
 As Reflected on Exhibits B, C, H and  
 I; and DOES 1-8500.

14  
 15  
 16  
 17  
 18 1. JOSEPH CROWE (hereinafter and in the Complaint referred to as "decedent")  
 died on February 22, 2003.

19 2. ANNE CROWE is the Successor-in-Interest to decedent.

20 3. The heirs-at-law of decedent and their relationships to the decedent are:

NAME	AGE	RELATIONSHIP TO DECEDENT
ANNE CROWE	62	Spouse
JULIE SHIELDS	Over 18	Daughter
JOSEPH CROWE, III	Over 18	Son
SEAN CROWE	Over 18	Son

21  
 22 4. Plaintiffs bring this action as specified in Section 377.60 of the Code of Civil  
 Procedure as decedent's legal heirs.

23  
 24 5. Decedent's asbestos-related injury, date of diagnosis, employment status, and  
 history of exposure to asbestos are as stated on Exhibit A.

KUHNE/CLARK AND WILSON and  
 FIRST AMENDED COMPLAINT FOR SURVIVAL, LOSS OF CONSORTIUM, WRONGFUL DEATH -  
 ASBESTOS

A-9

1       6. At all times prior to his death, decedent was a faithful and dutiful spouse to  
2 plaintiff ANNE CROWE and parent to plaintiff children.

3       7. Plaintiff's claims are as set forth in ©Brayton♦Purcell Master Complaint for  
4 [Survival] [Loss of Consortium] Wrongful Death (hereinafter "Master Complaint") - Asbestos  
5 No. 828684 filed March 3, 2003, in San Francisco Superior Court. A copy of the Master  
6 Complaint and General Order No. 55 may be obtained upon request from Brayton♦Purcell, and  
7 designated portions of the Master Complaint are incorporated by reference herein pursuant to the  
8 authority conferred by General Order No. 55. Plaintiff's claims are as set forth in said Master  
9 Complaint against defendants herein as follows:

10      ///

11      ///

12      ///

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

KNOX, DEEMER, LAND-WOLKE and  
FIRST AMENDED COMPLAINT FOR SURVIVAL, LOSS OF CONSORTIUM, WRONGFUL DEATH  
ASBESTOS

A-10

<u>Cause of Action</u>	<u>B</u>	<u>B-I</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>K</u>	<u>L</u>	<u>M</u>
First (Negligence-Survival)	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Second (Products Liability-Survival)	<input checked="" type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Third (False Representation)	<input checked="" type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>							
Fourth (Loss of Consortium)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Negligence- • Careless Death)	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Sixth (Products Liability- Wrongful Death)	<input checked="" type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>		
Seventh (Premises Owner/ Contractor Liability)		<input type="checkbox"/>	<input checked="" type="checkbox"/>										
Eighth, Ninth, Tenth (Unseaworthiness, Negligence [Jones Act], Maintenance and Cure)				<input type="checkbox"/>									
Eleventh (Longshore and Harbor Workers Compensation Act [LHWCA])				<input type="checkbox"/>									
Twelfth, Thirteenth (F.E.L.A.)				<input type="checkbox"/>									
Fourteenth, Fifteenth (Respiratory Safety Devices)					<input type="checkbox"/>								
Sixteen, Seventeenth (Brake Shoe Grinding)					<input type="checkbox"/>								
Eighteenth (Concert of Action)						<input type="checkbox"/>							
Nineteenth, Eighteenth (Fraud, Deceit/Negligent Misrepresentation)							<input checked="" type="checkbox"/>						
Twenty-first (Fraud and Deceit/Concealment)							<input type="checkbox"/>						
Twenty-first (Fraud and Deceit/Intentional Misrepresentation)								<input type="checkbox"/>					
Twenty-second (Fraud/Deceit - Kent)									<input type="checkbox"/>				

\*and their alternate entities as set forth in the Master Complaint or on any Exhibit

A-11

1       8. The Federal Courts lack subject matter jurisdiction over this action, as there is  
2 no federal question and incomplete diversity of citizenship due to the presence of a California  
3 defendant. Removal is improper. Every claim arising under the Constitution, treaties, or laws  
4 of the United States is expressly disclaimed (including any claim arising from an act or  
5 omission on a federal enclave, or of any officer of the U.S. or any agency or person acting under  
6 him occurring under color of such office). No claim of admiralty or maritime law is raised.  
7 Plaintiffs sue no foreign state or agency. Venue is proper in San Francisco County Superior  
8 Court.

9. Date of Marriage: November 27, 1964.

10 Dated: 6/16/16

**BRAYTON PURCELL**

By: David R. Donadio  
Attorneys for Plaintiffs

10. The following table shows the number of hours worked by 1000 workers in a certain industry.

**FIRST AMENDED COMPLAINT FOR SURVIVAL LOSS OF CONSORTIUM, WRONGFUL DEATH ASBESTOS**

A-12

## EXHIBIT A

Decedent's exposure to asbestos and asbestos-containing products occurred at various locations both inside and outside the State of California, including but not limited to:

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
U.S. Coast Guard	U.S. Coast Guard Academy, New London, CT • Barracks 3 and 4; <u>CGC EAGLE</u> (AM-132); <u>CGC CASCO</u> (AVP-12); <u>CGC ABSECON</u> (AVP-23); <u>CGC ROCKAWAY</u> (AVP-29); <u>CGC YAKUTAT</u> (AVP-32)	Cadet	1958-1962
	Curtis Bay Yard, Baltimore, MD; <u>CGC CONIFER</u> (WLB-301)	Trainee	1962 (mid-summer) +1964
	Naval Air Station, Pensacola, FL • Mainside • Sherman Field • Ellyson Field; Naval Air Station, Whiting Field, Milton, FL	Trainee	1964-1965
	U.S. Coast Guard Air Station, San Francisco, CA (Berthing Facility) • Building F	Helicopter Pilot	1965-1968
	U.S. Air Force, Da Nang Air Force Base, Da Nang, Vietnam	Helicopter Pilot	1971-1972
	Coast Guard Air Station, Cape Cod, MA	Helicopter Pilot	1972-1976; 1986-1988

EXHIBIT A

A-13

## EXHIBIT A (Continued)

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
U.S. Coast Guard (cont'd)	U.S. Coast Guard, Annette, AK	Helicopter Pilot	1977-1978
	U.S. Coast Guard, Port Angeles, WA	Helicopter Pilot	1981-1983
	U.S. Coast Guard, various locations including, but not limited to: U.S. Air Force, Pope AFB, Fort Bragg, NC; Portsmouth Naval Shipyard, Portsmouth, VA; Naval Air Station, Key West, FL; U.S. Coast Guard, South America	Helicopter Pilot	1983-1986
	11 <sup>th</sup> Coast Guard District, Long Beach, CA	Managing Director	1988-1990
Peninsula Community College, Port Angeles, WA	Peninsula Community College, Port Angeles, WA	Teacher	1990-1992
Joseph Crowe, Jr.	Joseph Crowe, Jr., various locations, Port Angeles, WA	Consultant	1992
Joseph Crowe, Jr.	Joseph Crowe, Jr., various locations, Port Angeles, WA	Arbitrator	1992-2002
Joseph Crowe, Jr., Amway Corp.	Joseph Crowe, Jr., Amway Corp., various locations, Port Angeles, WA	Salesman	1992 or 1993-2002
H & R Block, Port Angeles, WA	H & R Block, Port Angeles, WA	Teacher	1995-2002

NON-OCCUPATIONAL EXPOSURE:

Decedent recalled performing brake work on automobiles on approximately one or two occasions during the late 1950s or early 1960s. Plaintiff currently contends that the decedent was exposed to asbestos while performing this work.

EXHIBIT A

A-14



EXHIBIT BDEFENDANTS

3	ASBESTOS CORPORATION LIMITED	BRIDGESTONE/FIRESTONE NORTH
	BELL ASBESTOS MINES LTD.	AMERICAN TIRE, LLC
4	THOMAS DEE ENGINEERING CO., INC	GENERAL MOTORS CORPORATION
	FOSTER WHEELER CORPORATION	LEAR-SIEGLER DIVERSIFIED HOLDINGS CORP
5	CARLOCK SEALING TECHNOLOGIES, LLC	MAREMONT CORPORATION
	MACARTHUR COMPANY	STUART-WESTERN, INC.
6	OWENS-ILLINOIS, INC.	PARKER-HANNIFIN CORPORATION
	PLANT INSULATION COMPANY	STANDARD MOTOR PRODUCTS, INC
7	QUINTEC INDUSTRIES, INC.	MORTON INTERNATIONAL, INC.
	RAPID-AMERICAN CORPORATION	GATKE CORPORATION
8	THORPE INSULATION COMPANY	BRASSBESTOS BRAKE LINING COMPANY
	WESTERN MACARTHUR COMPANY	H. KRASNÉ MANUFACTURING COMPANY
9	WESTERN ASBESTOS COMPANY	RITESET MANUFACTURING COMPANY
	PNEUMO ABEX CORPORATION	AUTO SPECIALTIES, INC.
10	HONEYWELL INTERNATIONAL, INC.	METALCLAD INSULATION CORPORATION
	BUDD COMPANY, THE	AIRCRAFT BRAKING SYSTEMS CORPORATION
11	DAIMLERCHRYSLER CORPORATION	LOCKHEED MARTIN TACTICAL SYSTEMS, INC.
	DANA CORPORATION	GOODRICH CORPORATION
12	FORD MOTOR COMPANY	NORTHROP GRUMMAN CORPORATION
		C.C. MOORE & CO. ENGINEERS

ALTERNATE ENTITY

14	FORD MOTOR COMPANY	BRITISH LEYLAND MOTORS, INC.
15		BRITISH MOTOR CORPORATION
16		JAGUAR CARS, INC.
17		TRIUMPH
		LINCOLN CONTINENTAL
		AUSTIN HEALEY
18	GENERAL MOTORS CORPORATION	NEW DEPARTURE
19		CHEVROLET
20		A.C. DELCO CO.
21		CADILLAC
		PONTIAC
		LaSALLE
		OLDSMOBILE
22		GM GOODWRENCH

EXHIBIT C

<u>CONTRACTOR DEFENDANTS</u>	<u>LOCATION</u>	<u>TIME PERIOD</u>
24 PLANT INSULATION COMPANY	Various	Various
25 THORPE INSULATION COMPANY	Various	Various
26 WESTERN MACARTHUR COMPANY / 27 MACARTHUR COMPANY /WESTERN ASBESTOS COMPANY	Various	Various

EXHIBITS B, C

8

FIRST AMENDED COMPLAINT FOR SURVIVAL, LOSS OF CONSORTIUM, WRONGFUL DEATH -  
ASBESTOS

A-16

- 2 -

3	METROPOLITAN LIFE INSURANCE COMPANY	H. KRASNE MANUFACTURING COMPANY
4	PNEUMO ABEX CORPORATION	AUTO SPECIALTIES MANUFACTURING COMPANY
5	BURNS INTERNATIONAL SERVICES CORPORATION (f/k/a BORG-WARNER AUTOMOTIVE, INC.)	STUART-WESTERN, INC.
6	HONEYWELL INTERNATIONAL, INC. (successor-in-interest to ALLIED SIGNAL, INC.)	RUTESET MANUFACTURING COMPANY
7	THE BUDD COMPANY	ASBESTOS MANUFACTURING COMPANY
8	DAIMLERCHRYSLER CORPORATION	FIBRE & METAL PRODUCTS COMPANY
9	DANA CORPORATION	LASCO BRAKE PRODUCTS
0	FORD MOTOR COMPANY	L.J. MILEY COMPANY
1	GENERAL MOTORS CORPORATION	ROSENDALE-RUBOIL COMPANY
2	BRIDGESTONE/FIRESTONE NORTH AMERICAN TIRE, LLC	SOUTHERN FRICTION MATERIALS COMPANY
3	LEAR-SIEGLER DIVERSIFIED HOLDINGS CORP.	U.S. SPRING & BUMPER COMPANY
4	MAREMONT CORPORATION	AUTO FRICTION CORPORATION
5	MORTON INTERNATIONAL, INC.	EMSCO ASBESTOS COMPANY
6	PARKER-HANNIFIN CORPORATION	FORCEE MANUFACTURING CORPORATION
7	STANDARD MOTOR PRODUCTS, INC.	MOLDED INDUSTRIAL FRICTION CORPORATION
8	GATKE CORPORATION	NATIONAL TRANSPORT SUPPLY, INC.
9	GARLOCK SEALING TECHNOLOGIES, LLC	SILVER LINE PRODUCTS, INC.
0	FRASERESTOS BRAKE LINING COMPANY	STANDCO, INC.
1		UNIVERSAL FRICTION MATERIALS COMPANY
2		WHEELING BRAKE BLOCK MANUFACTURING COMPANY
3		BELL ASBESTOS MINES LTD.
4		OWENS-ILLINOIS, INC.

ALTERNATE ENTITY

SILVER LINE PRODUCTS, INC. SILVER LINE BRAKE CORP.  
SILVER-LINE BRAKE LINING CORP.

EXHIBIT I

**DEFENDANTS**

20 METROPOLITAN LIFE INSURANCE COMPANY  
OWENS-ILLINOIS, INC.  
21 PNEUMO ABEX CORPORATION  
GATKE CORPORATION  
22 GARLOCK SEALING TECHNOLOGIES, LLC  
AMERICAN CONFERENCE OF GOVERNMENTAL INDUSTRIAL HYGIENISTS, INC.  
23 UNDERWRITERS LABORATORIES, INC.

24

35

26

27

30

**EXHIBITS (4)**

FIRST AMENDED COMPLAINT FOR SURVIVAL... LOSS OF CONSORTIUM, WRONGFUL DEATH -  
ASBESTOS

A-17

1 DAVID R. DONADIO, ESQ., S.B. #154436  
 2 BRAYTON & PURCELL  
 3 Attorneys at Law  
 4 222 Bush Landing Road  
 5 P.O. Box 6169  
 Novato, California 94948-6169  
 (415) 898-1555

5 Attorneys for Plaintiffs

ENDORSED  
 FILED  
 San Francisco County Superior Court  
 JUL 02 2003  
 GORDON PARK-LI, Clerk  
 BY: \_\_\_\_\_ Deputy Clerk

8 SUPERIOR COURT OF CALIFORNIA  
 9 COUNTY OF SAN FRANCISCO

10 JOSEPH CROWE, JR., and  
 11 ANNE CROWE,

12 Plaintiffs,

13 vs.

14 ASBESTOS DEFENDANTS (BHC).

No. 414146

ORDER APPOINTING ANNE CROWE  
 AS SUCCESSOR-IN-INTEREST TO, AND  
 SUBSTITUTE SUCCESSOR-IN-  
 INTEREST FOR, DECEASED PLAINTIFF  
 AND GRANTING LEAVE TO FILE  
 FIRST AMENDED COMPLAINT

Date: July 2, 2003  
 Time: 9:30 a.m.  
 Room: 302, Judge Quidachay  
 Trial Date: N/A  
 Filing Date: October 29, 2002

18 Plaintiff's Motion for an Order appointing ANNE CROWE, as decedent's successor-in-  
 19 interest, for JOSEPH CROWE, JR., deceased, and substituting her for deceased plaintiff, and to file  
 20 a First Amended Complaint, came on regularly for hearing by the court on July 2, 2003, in  
 21 Room 302. The court having reviewed the moving [and opposing] papers filed herein, [and after  
 22 oral argument], and good cause appearing,

23 IT IS ORDERED that the motion to substitute ANNE CROWE as successor-in-interest of  
 24 decedent as plaintiff in his place and stead, and to file a First Amended Complaint, is granted;  
 25 and the First Amended Complaint is deemed served on all defendants previously appeared  
 26 herein, as of the date of the granting of the motion to amend.

DONALD S. MITCHELL

27 Dated: JUL 02 2003

Judge of the Superior Court

E:\USERS\JUDGE\WORD\JULY\02\03

ORDER GRANTING LEAVE TO FILE FIRST AMENDED COMPLAINT

A-18

PROOF OF SERVICE BY MAIL

I am employed in the County of Marin, State of California. I am over the age of 18 years and am not a party to the within action. My business address is 222 Rush Landing Road, P.O. Box 6169, Novato, California 94948-6169.

On 1-7-03 I served the within:

ORDER APPOINTING ANNE CROWE AS SUCCESSOR-IN-INTEREST TO,  
AND SUBSTITUTE SUCCESSOR-IN-INTEREST FOR, DECEASED  
PLAINTIFF AND GRANTING LEAVE TO FILE FIRST AMENDED  
COMPLAINT

on the interested parties in this action by transmitting a true copy thereof in the following manner:

I caused each of the above document(s) to be placed in a sealed envelope, postage thereon prepaid, addressed and served as follows:

SEE ATTACHED LIST

**BY MAIL SERVICE:**

I am readily familiar with the business practice at my place of business for collection and processing of correspondence for delivery by mail. Correspondence so collected and processed is deposited with the United States Postal Service on the same day in the ordinary course of business. On the above date the said envelope was collected for the United States Postal Service following ordinary business practices.

Executed 7-7-03 at Novato, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Jennifer S. Hargrove

28 Joseph Crowe, Jr., et al v. Asbestos Defendants (BHC)  
San Francisco Superior Court Case No. 414146

PROOF OF SERVICE BY MAIL.

A-19

Created by LitSupport ServiceList  
Matter Number: 18884.0. Lawyer: Joseph L. Jr. (D)

Bridgestone/Firestone North AmericaGatek Corporation Bennett, Bennett & Schweitzer 2200 Powell Street Suite 800 Emeryville, CA 94608 510-638-1800	Bennett, Samuelsen et al. Richard Reynolds, Esq. 1951 Webster Street, Ste. 200 Oakland, CA 94612 510-444-1151	Berry & Berry 701 Bay, 15070 2930 Lakeside Avenue Oakland, CA 94610 510-835-8330
Aircraft Braking Systems CorporationGoodyear Tire & Rubber Company, The Burke, Williams & Sorenson 450 Sansome Street, Suite 1200 San Francisco, CA 94111 415-955-1140	Goodyear Tire & Rubber Company, The Burke, Williams & Sorenson 450 Sansome Street, Suite 1200 San Francisco, CA 94111 415-955-1140	Lockheed Martin Corporation Burke, Williams & Sorenson 450 Sansome Street, Suite 1200 San Francisco, CA 94111 415-955-1140
Lockheed Martin Tactical Systems, Ithaca Insulation Company Burke, Williams & Sorenson 450 Sansome Street, Suite 1200 San Francisco, CA 94111 415-955-1140	Ford Shieff, et al. 1156 South El Camino Real 6th Floor San Mateo, CA 94402 650-341-2901	Goodrich Corporation Glaxy & Glaxy One Walnut Creek Center 100 Pringle Avenue, Suite 750 Walnut Creek, CA 94596 925-947-1300
General Motors CorporationThorpe Insulation Company Grace, Genson, Cosgrove & Schirrm 444 South Flower Street Suite 1100 Los Angeles, CA 90071 213-933-5444	Hill Behrendt & Lucy 751 West 7th Street San Pedro, CA 90731 310-548-1882	Foster Wheeler Corporation Jackson & Wallace 55 Francisco Street Sixth Floor San Francisco, CA 94113 415-912-5300
Pilot Insulation Company Jackson & Wallace 55 Francisco Street Sixth Floor San Francisco, CA 94113 415-952-6700	Northrop Grumman Corporation McKenna Long & Aldridge One Market, Spear Tower Suite 1500 San Francisco, CA 94105-1175 415-167-4000	Honeywell International, Inc. Perkins Cole LLP 160 Townsend St., 7th Flr. San Francisco, CA 94107 415-344-7000
Gatke CorporationPneumo Abex Corporation Sedwick, Detert, et al. One Embarcadero Center 15th Floor San Francisco, CA 94111 415-781-7800	Stevens, Drummond & Clifford 1310 Olympic Boulevard Suite 350 Walnut Creek, CA 94596 925-944-3350	DaimlerChrysler Corporation Theisen, Reid & Priest, LLP 101 Second St., Ste. 1800 San Francisco, CA 94101 415-371-1200
Ford Motor CompanyRapid-American Corporation Theisen, Reid & Priest, LLP 101 Second St., Ste. 1800 San Francisco, CA 94101 415-371-1200	Rapid-American Corporation Theisen, Reid & Priest, LLP 101 Second St., Ste. 1800 San Francisco, CA 94101 415-371-1200	Quintec Industries, Inc. Maysworth, Franklin, Devins & McDa 550 Montgomery Street Eleventh Floor San Francisco, CA 94111 415-391-0774

A-20

1 DAVID R. DONADIO, ESQ., S.B. #154436  
2 NANCY T. WILLIAMS, ESQ., S.B. #201095  
3 BRAYTON PURCELL  
4 Attorneys at Law  
5 222 Rush Landing Road  
6 Novato, California 94948-6169  
7 Telephone: (415) 898-1555  
8 Facsimile: (415) 898-1247

ENDORSED  
FILED  
San Francisco County Superior Court

JUN 9 - 2003

6 Attorneys for Plaintiffs

GORDON PARK-LI, Clerk  
BY: CRISTINA E. BAUTISTA  
Deputy Clerk

8 SUPERIOR COURT OF CALIFORNIA  
9 COUNTY OF SAN FRANCISCO

10  
11 JOSEPH CROWE, JR., and  
12 ANNE CROWE,  
13 vs.  
14 ASBESTOS DEFENDANTS (BHC)

No. 414146  
DECLARATION OF ANNE CROWE  
UNDER C.C.P. § 377.32

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

BRAYTON PURCELL  
ATTORNEYS AT LAW  
222 RUSH LANDING ROAD  
NOVATO, CALIFORNIA 94948-6169  
(415) 898-1247

The undersigned hereby declares:

1. I, ANNE CROWE, am over the age of 18 years and the surviving spouse of decedent JOSEPH CROWE.
2. I make this declaration pursuant to Code of Civil Procedure Section 377.32 to allow me to continue and/or commence any and all actions related to decedent's exposure to asbestos which survive his death.
3. The name of the decedent is JOSEPH CROWE.
4. Decedent died in Port Angeles, Washington on February 22, 2003.
5. No proceeding is now pending in California for the administration of decedent's estate.
6. The declarant is authorized to act on behalf of the decedent's successor-in-interest (as defined in §377.11 of the California Code of Civil Procedure) with respect to the decedent's interest in the action or proceeding.

DECLARATION OF ANNE CROWE UNDER C.C.P. § 377.32

A-21

7. No other person has a superior right to commence and/or continue the action or proceeding or to be substituted for the decedent in the pending action or proceeding.

8. A certified copy of decedent's death certificate is attached.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on 3-7-03, at Port Angeles, Washington.

Anne Crowe  
Anne Crowe

X-1977-32707-A-sec-4-2  
DECLARATION OF ANNE CROWE UNDER C.C.P. §177.32

A-22



1 DAVID R. DONADIO, ESQ., S.B. #154436  
2 BRAYTON PURCELL  
3 Attorneys at Law  
4 222 Rush Landing Road  
5 P.O. Box 6169  
Novato, California 94948-6169  
(415) 898-1555

5 Attorneys for Plaintiffs

6

7

8 SUPERIOR COURT OF CALIFORNIA  
9 COUNTY OF SAN FRANCISCO

10

11 JOSEPH CRONE, JR., and  
12 ANNE CROWE,

13 Plaintiffs,

14 v.s.

15 ASBESTOS DEFENDANTS (BHC)

ENDOCTN FILED  
6. CIRCUIT COURT  
COUNTY OF SAN FRANCISCO  
OCT 29 2002  
GORDON PARK-LI, CLERK  
BY: PATRICK MATT  
Deputy Clerk

No. **414146**

PRELIMINARY FACT SHEET/NEW  
FILING/ASBESTOS LITIGATION

(See General Order No. 129, In Re:  
Complex Asbestos Litigation)

16

17

NOTICE

18 TO NEW DEFENDANTS SERVED IN COMPLEX ASBESTOS LITIGATION IN THE  
19 SUPERIOR COURT IN AND FOR THE STATE OF CALIFORNIA, CITY AND COUNTY OF  
SAN FRANCISCO

20 You have been served with process in an action which has been designated by the Court  
as complex litigation pursuant to Standard 19 of the Standards of Judicial Administration. This  
21 litigation bears the caption "In Re: Complex Asbestos Litigation", [San Francisco Superior  
Court No. 828684].

22 This litigation is governed by various general orders, some of which affect the judicial  
management and/or discovery obligations, including the responsibility to answer interrogatories  
deemed propounded in the case. You may contact the Court or Designated Defense Counsel,  
23 Berry & Berry, P.O. Box 16070, 2930 Lakeshore Avenue, Oakland, CA 94610; Telephone:  
(510) 835-8330; FAX: (510) 835-5117, for further information and/or copies of these orders, at  
24 your expense.

25 1. State the complete name and address of each person whose claimed exposure to asbestos is  
the basis of this lawsuit ("exposed person"): Joseph Crone, Jr., 392 Strait View Drive, Port  
Angeles, Washington 98362

PRELIMINARY FACT SHEET/NEW FILING/ASBESTOS LITIGATION

ATTORNEYS AT LAW  
BRAYTON PURCELL  
222 RUSH LANDING ROAD  
NOVATO, CALIFORNIA 94948-6169  
(415) 898-1555

A-24

1    2. Does plaintiff anticipate filing a motion for a preferential trial date within the next four  
2 months?  Yes \_\_\_\_\_ No \_\_\_\_\_  
3 [If yes, the action will be governed by General Order No. 140; if no, the action will be governed  
4 by General Order No. 129.]

5    3. Date of birth of each exposed person in item one and, if applicable, date of death:

6              Date of Birth: 6/10/40

7              Date of Death: N/A

8    Social Security Number of each exposed person:

9              010-30-6799

10    4. Specify the nature or type of asbestos-related disease alleged by each exposed person.

11               Asbestosis               Mesothelioma

12               Pleural Thickening/Plaques               Other Cancer. Specify: \_\_\_\_\_

13               Lung Cancer Other Than Mesothelioma               Other. Specify: \_\_\_\_\_

14    5. For purposes of identifying the nature of exposure allegations involved in this action, please  
15 check one or more:

16               Shipyard               Construction               Friction-Automotive

17               Premises               Aerospace               Military

18               Other. Specify all that apply: Friction-Aircraft

19 If applicable, indicate which exposure allegations apply to which exposed person.

20    6. Identify each location alleged to be a source of an asbestos exposure, and to the extent known,  
21 provide the beginning and ending year(s) of each such exposure. Also specify each exposed  
22 person's employer and job title or job description during each period of exposure. (For example:  
23 "San Francisco Naval Shipyard - Pipefitter - 1939-1948"). Examples of locations of exposure  
24 might be a specific shipyard, a specific railroad maintenance yard, or perhaps more generalized  
25 descriptions such as "merchant marine" or "construction". If an exposed person claims exposure  
26 during only a portion of a year, the answer should indicate that year as the beginning and ending  
27 year (e.g., 1947-1947).

28    ///

PRELIMINARY FACT SHEET/NEW FILING/ASBESTOS LITIGATION

A-25

1 Employer	2 Location of Exposure	3 Job Title	4 Exposure Dates
5 U.S. Coast Guard	6 U.S. Coast Guard Academy, New London, CT • Barracks 3 and 4; 7 CGC EAGLE (AM-132); 8 CGC CASCO (AVP-12); 9 CGC ABSECON (AVP- 23); CGC ROCKAWAY (AVP-29); CGC YAKUTAT (AVP-32)	10 Cadet	11 1958-1962
12	13 Curtis Bay Yard, Baltimore, MD; CGC CONIFER	14 Trainee	15 1962 (mid- summer) -1964
16	17 Naval Air Station, Pensacola, FL • Mainside • Sherman Field • Ellington Field; 18 Naval Air Station, Whiting Field, Milton, FL	19 Trainee	20 1964-1965
21	22 U.S. Coast Guard Air Station, San Francisco, CA (Berthing Facility) • Building F	23 Helicopter Pilot	24 1965-1968

16 (Attach Additional Pages, If Necessary) SEE ATTACHED CONTINUATION

17 7. For each exposed person who:

- 18 a. worked in the United States or for a U.S. agency outside the territorial United States,  
19 attach to the copy of this fact sheet provided to Designated Defense Counsel a fully executed  
20 Social Security Earnings authorization (Exhibit N-4 to General Order No. 129);
- 21 b. may have had a Social Security disability award or is no longer employed and whose  
22 last employment was not with a United States government agency, attach to the copy of this fact  
23 sheet provided to Designated Defense Counsel a fully executed Social Security Disability  
24 authorization (Exhibit N-5 to General Order No. 129);
- 25 c. served at any time in the United States military, attach to the copy of this fact sheet  
26 provided to Designated Defense Counsel two fully executed originals of the stipulation (Exhibit  
27 N-3 to General Order No. 129);

28 III

~~Preliminary Fact Sheet/Amended Preliminary Fact Sheet~~  
PRELIMINARY FACT SHEET/NEW FILING/ASBESTOS LITIGATION

A-26

1           d. was employed by the United States government in a civilian capacity, attach to the  
2 copy of this fact sheet provided to Designated Defense Counsel two fully executed originals of  
3 the stipulation (Exhibit N-3 to General Order No. 129).

4       8. If there is a wrongful death claim, attach to the copy of this fact sheet provided to Designated  
5 Defense Counsel a copy of the death certificate, if available. If an autopsy report was done, also  
6 attach a copy of it to the copy of this fact sheet provided to Designated Defense Counsel.

7       9. State the date of the filing of the initial complaint in this matter.

OCT. 29, 2002

By

---

Attorney for Plaintiff

© 2018 Pearson Education, Inc.

A-27

Employer	Location of Exposure	Job Title	Exposure Dates
U.S. Coast Guard (cont'd.)	U.S. Air Force, Da Nang Air Force Base, Da Nang, Vietnam	Helicopter Pilot	1971-1972
	Coast Guard Air Station, Cape Cod, MA	Helicopter Pilot	1972-1976; 1986-1988
	U.S. Coast Guard, Annette, AK	Helicopter Pilot	1977-1978
	U.S. Coast Guard, Port Angeles, CA	Helicopter Pilot	1981-1983
	U.S. Coast Guard, various locations including, but not limited to: U.S. Air Force, Pope AFB, Fort Bragg, NC; Portsmouth Naval Shipyard, Portsmouth, NH; Naval Air Station, Key West, FL; U.S. Coast Guard, South America	Helicopter Pilot	1983-1986
	11 <sup>th</sup> Coast Guard District, Long Beach, CA	Managing Director	1988-1990

NON-OCCUPATIONAL EXPOSURE:

Plaintiff recalls living in a home built in the 1930s from 1940 to 1958. Plaintiff recalls that this home at 70 Chestnut Street, Weston, Massachusetts, was heated by a coal furnace and a boiler. Plaintiff recalls emptying the coal bin which was near the boiler. Plaintiff currently contends that he may have been exposed to asbestos during this time.

Plaintiff recalls performing minor repair and maintenance work on five or six houses during his lifetime. Plaintiff recalls renovating a staircase at 1 Pheasant Lane, Sandwich, Massachusetts, in the early 1970s. Plaintiff currently contends that he may have been exposed to asbestos while performing this work.

Plaintiff recalls performing brake work on automobiles on approximately one or two occasions during the late 1950s or early 1960s. Plaintiff currently contends that he may have been exposed to asbestos while performing this work.

**EXHIBIT B**



CT System

## Service of Process Transmittal Form

Los Angeles, California

08/18/2004

Via Federal Express (2nd Day)

**TO:** Sandra Jack Chief Paralegal  
 Textron Inc.  
 40 Westminster Street  
 Providence, RI 02903-0000

**RE:** PROCESS SERVED IN CALIFORNIA

**FOR** AVCO CORPORATION Domestic State: De:

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

1. TITLE OF ACTION: Anne Crowe vs Asbestos Defendants (BP), et al incl. Avco Corporation
2. DOCUMENT(S) SERVED: Summons, Notice to Plaintiff, Civil Cover Sheet, First Amended Complaint, Exhibits, Declaration, Certificate of Death, Preliminary Fact Sheet, Answers to Interrogatories, Amendment to Complaint
3. COURT: Superior Court of California, County of San Francisco  
Case Number CGC02414146
4. NATURE OF ACTION: Complaint for personal injury/wrongful death due to exposure to asbestos and related materials. Seeking damages as described, cause and further relief.
5. ON WHOM PROCESS WAS SERVED: CT Corporation System, Los Angeles, California
6. DATE AND HOUR OF SERVICE: By Process server on 08/18/2004 at 12:10
7. APPEARANCE OR ANSWER DUE: Within 30 days
8. ATTORNEY(S): David R. Donadio  
Brayton Purcell  
222 Rush Landing Rd.  
415-898-1555  
Novato, CA 94945-2469
9. REMARKS: I-Note sent 08/18/2004 to SJACK@TEXTRON.COM

SIGNED CT Corporation System

PER Jere Keprics /GJ  
 ADDRESS 818 West Seventh Street  
 Los Angeles, CA 90017  
 SOP WS 0006543029

Information contained on this transmittal form is recorded for CT Corporation System's record keeping purposes only and to permit quick reference for the recipient. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information that can be obtained from the documents themselves. The recipient is responsible for interpreting the documents and for taking the appropriate action.

B-1

SUMMONS ON FIRST AMENDED COMPLAINT  
(CITACION JUDICIAL)

NOTICE TO DEFENDANT: (Aviso a Acusado)  
ASBESTOS DEFENDANTS (B&P)  
As Reflected on Exhibits B, C, H and I; and DOES 1-8500.  
and SEE ATTACHED LIST.

YOU ARE BEING SUED BY PLAINTIFF:  
(A Ud. le está demandando)

ANNE CROWE, Individually, and as Successor-in-Interest to JOSEPH CROWE, Deceased; and ANNE CROWE, JILL SHIELDS, JOSEPH CROWE, III, and SEAN CROWE, as Legal Heirs of JOSEPH CROWE, Deceased.

AUG 18 2004

at 12:10  
M.W.

You have 30 CALENDAR DAYS after this Summons is served on you to file a typewritten response at this court.

A letter or phone call will not protect you; your typewritten response must be in proper legal form if you want the court to hear your case.

If you do not file your response on time, you may lose the case, and your wages, money and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

Después de que le entreguen esta citación judicial usted tiene un plazo de 30 DIAS CALENDARIOS para presentar una respuesta escrita a máquina en esta corte.

Una carta o una llamada telefónica no le ofrecerá protección; su respuesta escrita a máquina tiene que cumplir con las formalidades legales apropiadas si usted quiere que la corte escuche su caso.

Si usted no presenta su respuesta a tiempo, puede perder el caso, y le pueden quitar su salario, su dinero y otras cosas de su propiedad sin aviso adicional por parte de la corte.

Existen otras requisitos legales. Puede que usted quiera llamar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de referencia de abogados o a una oficina de ayuda legal (vea el directorio telefónico).

CASE NUMBER (Número del Caso):

414146

The name and address of the court is: (El nombre y dirección de la corte es):

SAN FRANCISCO COUNTY SUPERIOR COURT  
400 McAllister Street  
San Francisco, CA 94102

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:  
(El nombre, la dirección de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

DAVID R. DONADIO, ESQ., STATE BAR NO. 154435  
BRAYTON+PURCELL  
222 Rush Landing Road  
Novato, CA 94948-8169

(415) 898-1555

GORDON PARK-LI

Cristina Bautista

DATE: JUL 2 2004 GORDON PARK-LI  
(Fecha)

Clark, by Cristina Bautista, Deputy  
(Delegado)

## NOTICE TO PERSON SERVED: You are served

1.  as an individual defendant.  
 2.  as the person sued under the fictitious name of (specify): Doe #5  
 3.  on behalf of (specify): Avco Corporation  
 under:  CCP 416.10 (corporation)  CCP 418.60(minor)  
 CCP 416.20 (defunct corporation)  CCP 418.70 (conservatee)  
 CCP 416.40 (association or partnership)  CCP 418.90 (individual)  
 other:  
 4.  by personal delivery on (date): AUG 18 2004

Form Adopted by Rule 582  
Judicial Council of California "Mandatory Form"  
962(a)(3)(Rev.January 1, 1984)

(See reverse for proof of Service)  
SUMMONS ON FIRST AMENDED COMPLAINTCCP 101-7  
CEB

B-2

1 ASBESTOS CORPORATION LIMITED  
2 BELL ASBESTOS MINES LTD.  
3 THOMAS DEE ENGINEERING CO., INC.  
4 FOSTER WHEELER CORPORATION  
5 GARLOCK SEALING TECHNOLOGIES, LLC  
6 MACARTHUR COMPANY  
7 OWENS-ILLINOIS, INC.  
8 PLANT INSULATION COMPANY  
9 QUINTEC INDUSTRIES, INC.  
10 RAPID-AMERICAN CORPORATION  
11 THORPE INSULATION COMPANY  
12 WESTERN MACARTHUR COMPANY  
13 WESTERN ASBESTOS COMPANY  
14 PNEUMO ABEX CORPORATION  
15 HONEYWELL INTERNATIONAL, INC.  
16 THE BUDD COMPANY  
17 DAIMLERCHRYSLER CORPORATION  
18 DANA CORPORATION  
19 FORD MOTOR COMPANY  
20 BRIDGESTONE/FIRESTONE NORTH AMERICAN TIRE, LLC  
21 GENERAL MOTORS CORPORATION  
22 LEAR-SIEGLER DIVERSIFIED HOLDINGS CORP.  
23 MAREMONT CORPORATION  
24 STUART-WESTERN, INC.  
25 PARKER-HANNIFIN CORPORATION  
26 STANDARD MOTOR PRODUCTS, INC.  
27 MORTON INTERNATIONAL, INC.  
28 GATKE CORPORATION  
1 BRASSBESTOS BRAKE LINING COMPANY  
2 H. KRASNE MANUFACTURING COMPANY  
3 RITESET MANUFACTURING COMPANY  
4 AUTO SPECIALTIES, INC.  
5 METALCLAD INSULATION CORPORATION  
6 AIRCRAFT BRAKING SYSTEMS CORPORATION  
7 LOCKHEED MARTIN TACTICAL SYSTEMS, INC.  
8 GOODRICH CORPORATION  
9 NORTHRUP GRUMMAN CORPORATION  
10 C.C. MOORE & CO. ENGINEERS  
11 ASBESTOS MANUFACTURING COMPANY  
12 FIBRE & METAL PRODUCTS COMPANY  
13 LASCO BRAKE PRODUCTS  
14 L.J. MILEY COMPANY  
15 ROSENDALE-RUBOIL COMPANY  
16 SOUTHERN FRICTION MATERIALS COMPANY  
17 U.S. SPRING & BUMPER COMPANY  
18 AUTO FRICTION CORPORATION  
19 EMSCO ASBESTOS COMPANY  
20 FORCEE MANUFACTURING CORPORATION  
21 MOLDED INDUSTRIAL FRICTION CORPORATION  
22 NATIONAL TRANSPORT SUPPLY, INC.  
23 SILVER LINE PRODUCTS, INC.

BRAYTON & PURCELL,  
ATTORNEYS AT LAW  
222 MUSH LANDING ROAD  
P.O. Box 5149  
NOVATO, CALIFORNIA 94948-5149  
(415) 888-1521

E:\Users\JTHOMAS\OneDrive\WDSC\and  
FIRST AMENDED COMPLAINT FOR SURVIVAL, LOSS OF CONSORTIUM, WRONGFUL DEATH -  
ASBESTOS

1 STANDCO, INC.  
2 UNIVERSAL FRICTION MATERIALS COMPANY  
3 WHEELING BRAKE BLOCK MANUFACTURING COMPANY  
4 METROPOLITAN LIFE INSURANCE COMPANY  
5 AMERICAN CONFERENCE OF GOVERNMENTAL INDUSTRIAL HYGIENISTS, INC.  
6 UNDERWRITERS LABORATORIES, INC.  
7 and DOES 1-820.

Defendants.

10  
11 Anne Crowe, et al. vs. Asbestos Defendants (BHC)  
12 San Francisco San Francisco Superior Court No. 414146

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

FIRST AMENDED COMPLAINT FOR SURVIVAL, LOSS OF CONSORTIUM, WRONGFUL DEATH -  
ASBESTOS

B-4

CASE NUMBER: CGC-02-414148 JOSEPH CROWE JR VS. ASBESTOS DEFENDANTS (BHC)

NOTICE TO PLAINTIFF

This case is assigned to Plan II. A Case Management Conference is set for:

DATE: DEC-18-2003

TIME: 1:30PM

PLACE: Department 206  
400 McAllister Street  
San Francisco, CA 94102-3680

All parties must appear and comply with Local Rule 3.3 and 3.4 (Effective July 1, 1998) (Revised January 1, 2002)

No later than 15 calendar days before the Case Management Conference all parties must file a Case Management Statement (CM-110) and lodge a courtesy copy in Department 212.

Plaintiff must serve a copy of this notice upon each party to this action with the summons and complaint. Proof of service subsequently filed with this court shall so state.

NOTICE TO DEFENDANT

This Notice does not effect defendant's obligation to file a response to the complaint within thirty (30) Days after service, as indicated on the summons.

B-5

CASE NUMBER: CGC-02-414146 JOSEPH CROWE JR VS. ASBESTOS DEFENDANTS (BHC)

**NOTICE TO PLAINTIFF**

This case is assigned to Plan II. A Case Management Conference is set for:

DATE: DEC-18-2003

TIME: 1:30PM

PLACE: Department 206  
400 McAllister Street  
San Francisco, CA 94102-3580

All parties must appear and comply with Local Rule 3.3 and 3.4 (Effective July 1, 1998) (Revised January 1, 2002)

No later than 15 calendar days before the Case Management Conference all parties must file a Case Management Statement (CM-110) and lodge a courtesy copy in Department 212.

Plaintiff must serve a copy of this notice upon each party to this action with the summons and complaint. Proof of service subsequently filed with this court shall so state.

**NOTICE TO DEFENDANT**

This Notice does not effect defendant's obligation to file a response to the complaint within thirty (30) Days after service, as indicated on the summons.

B-6